

REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment is respectfully requested. Claims 1-13 and 17-22 are pending, claims 17-22 being newly added herein. Basis for the newly added claims may be found throughout the specification and in paragraph 16.

Applicant affirms the election of the election of claim group I, corresponding to claims 1-13. Group II, corresponding to claims 14-16, stands as withdrawn from consideration.

35 U.S.C. §112 Rejections

Claims 11-13 have been rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully submits that the amendments to claims 11-13 overcome the rejection. In particular, each use of the word “means” within claims 11-13 as amended refers to a function in accordance with 35 U.S.C. § 112, sixth paragraph and thus meets the requirements of particularly pointing out and distinctly claiming subject matter recited therein. The term “the shape memory means” of original claim 12 has been amended to correctly refer to its antecedent within claim 11. Applicant respectfully submits that the amendments to claims 11-13 find a basis in the claims as originally filed and throughout the specification. It should be noted that claims 1-10 and 19-22 fall outside the scope of 35 U.S.C. § 112, sixth paragraph. Applicant respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Das (US Patent 5,554,181). Applicant respectfully traverses the rejection.

The Office Action alleges that Das discloses a retaining ring as recited in claim 1. It is respectfully submitted that Das discloses no such thing. Element 101, referenced at page 4, line 2 of the Office Action is a *stent*, as clearly described at col. 11, ll. 19-22 of the Das reference. A stent is not a retaining ring that “[couples] the end of the catheter to the catheter tip,” as recited in claim 1. In contrast, the stent 101 of Das is enclosed within a catheter tip region 80, 81 for delivery into a body cavity 87 of a patient and indeed is itself constrained by the tip 80, 81 (as

referenced at pg. 3, last line through pg. 4, first line of the Office Action) and the sheath 78, not the other way around. Moreover, the stent 101 does not couple any two structures together, much less a catheter tip to a catheter. Specifically, when the sheath 76 in Das is retracted, stent 101 springs radially outwardly so as to be deployed. The Office Action does not even allege that there is any disclosure anywhere in Das that the stent 101 has any role in coupling a catheter to a catheter tip as recited in claim 1, and it clearly does not. Because Das is entirely lacking a structure corresponding to the recited retaining ring that “[couples] the end of the catheter to the catheter tip,” Applicant respectfully submits that claim 1 is patentable over Das.

Each of claims 2-10 depends from claim 1 and Applicant respectfully submits that each of claims 2-10 is patentable over Das for the same reason as claim 1, and for their individual recitations of other features of the present invention. Applicant also notes that inherency is cited with respect to a number of the dependent claims. With respect to the claims allegedly inherently anticipated, Applicant respectfully submits that “in relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flows from the teachings of the applied prior art.” (See MPEP 2112 citing *Ex Parte Levy*, 17 U.S.P.Q. 2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)). It is respectfully submitted that the Office Action fails to provide any rationale or evidence tending to show inherency with respect to any claim of the present application.

Claim 11 recites “means for coupling the catheter tip to the end of the catheter” which is likewise not disclosed or suggested by Das. As noted above with respect to claim 1, Das merely teaches a stent that is constrained by the catheter tip of Das, and does not perform any coupling function. Applicant therefore respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn. Claims 12 and 13 depend from claim 11 and are patentable for at least the same reason, as well as for their individual recitations of other features.

Independent claim 19, and dependent claims 20-22 have been added and are clearly patentable over the prior art of record.

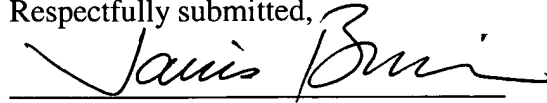
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Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1888.

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Respectfully submitted,



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